

REMARKS

In accordance with the foregoing, claims 1, 9, 14 and 50 have been amended. Claims 1-51 are pending and under consideration. No new matter is included in this amendment.

The 35 U.S.C. §101 Rejection:

At page 2 of the Office Action, claims 1-15 and 50-51 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1, 9 and 50 have been amended to clearly distinguish the rejected claims from the form of claims found unpatentable by *In re Warmerdam*, 31 USPQ2d 1754 (Fed. Cir. 1994), and to clearly fall within the form found patentable by *In re Lowry*, 32 USPQ 2d 1031 (Fed. Cir. 1994). See MPEP 2106. IV B.1. (second paragraph) and *In re Lowry* at p.1035.

Claim 1 is directed to a recording medium comprising "a video region which stores moving picture data, first audio data which is not encrypted and second audio data which is encrypted; an audio region which stores third audio data and related additional information; and a predetermined region which stores reproducing management information enabling a reproducing apparatus to reproduce the moving picture data and/or the encrypted second audio data of the video region."

Claim 1 is directed to a combination of regions which are organized to store data of different characteristics, wherein one of the regions includes management information which is useable by a reproducing apparatus to reproduce the stored data in the other regions or various combinations of the data stored in the other regions. Claim 1 is not directed to specific data which would be considered a mere abstraction or to data which could be the subject of a copyright.

Claims 2-15, 50 and 51 are deemed to be statutory at least for similar reasons set forth above regarding claim 1.

It is respectfully requested that this rejection be withdrawn.

The 35 U.S.C. §102(e) Rejection:

At page 2 of the Office Action, claims 9-17, 19-25 and 36-42 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0159765 to Maruyama et al. This rejection is respectfully traversed. Anticipation requires the disclosure in a single prior art reference of all the features recited in the claim, arranged as in the claim.

Regarding claim 9, Maruyama et al. make no mention of encrypted audio data nor of storing the encrypted audio data in the video region. Claims 10-15 are deemed to be patentable at least for similar reasons set forth above regarding claim 9.

Regarding claim 16, the Examiner refers particularly to FIG. 19, components 53-54 and 56. These components are clearly labeled as "encoders" and not encryptors as asserted by the Examiner.

Claims 17 and 19-25 are deemed to be patentable at least for similar reasons set forth above regarding claim 16.

Regarding claim 36, as mentioned above, Maruyama et al. make no mention of any encryption. Thus, Maruyama et al. fail to disclose "encrypting input video data and/or input audio data, and recording the encrypted video data and/or encrypted audio data in the video region; and recording reproducing management information for reproducing the encrypted video data and/or encrypted audio data, in a predetermined region," as recited in claim 36.

Claims 37-42 are deemed to be patentable at least for similar reasons set forth above regarding claim 36.

Allowable Subject Matter:

At page 3 of the Office Action, the Examiner indicates that claims 26-35 and 44-49 are allowed.

At page 3 of the Office Action, the Examiner indicates that claims 18 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Conclusion:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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